

ALLOTMENT OF P.W.D. QUARTERS TO PANCHAYAT STAFF IN
RAMPUR DISTRICT

INTRODUCTION :

The rights and privileges of the staff working in the Panchayati Raj Administration have been worked out in some of the States, while in others these are being evolved. In the State of Gujarat where Panchayati Raj was introduced in 1963, a problem arose about housing facilities to be provided to the staff of Panchayati Raj Institutions. In Rampur District of Gujarat, the D.D.O. was appointed as member of the District Accommodation Allotment Committee** so that the interest of the Panchayat staff were also looked after in the allotment of houses to Government employees working in the District. But subsequent to his appointment, the Accommodation Allotment Committee took certain decisions without involving him.

* District Development Officer.

** The District Accommodation Allotment Committee decided all the cases of allotment of quarters to the Government employees in the District. The Collector was the Chairman of this Committee.

This led to a conflict between the Chairman of the District Accommodation Allotment Committee and the DDO. The story of this conflict is narrated in this case-study.

BACKGROUND

2. Before Panchayati Raj was introduced in Gujarat State, the allocation of houses to the Government employees in the District Headquarters was decided by the District Accommodation Allotment Committee. Such a Committee existed in Rampur District also. The Committee comprised of three members namely, the Collector, the Executive Engineer and the Superintendent of Police. The Collector was the Chairman of the Committee and the Executive Engineer was the Secretary. The District and Sessions Judge was later included as member of the Committee.

3. After about two years of the introduction of Panchayati Raj, the DDOs were also made members of the Committee in October, 1965 by an Office Order dated 16-9-65, signed by the Deputy Secretary, PWD*. The copy of the Office Order was also sent to the DDO and the Chairman of Accommodation Allotment Committee of Rampur District.

* Public Works Department.

ACCOMMODATION ALLOTMENT COMMITTEE ACTS:

4. On 1-1-66, the Panchayat Officer wrote a letter to the Executive Engineer, the Secretary of the Accommodation Allotment Committee, drawing his attention to the order of the PWD dated 16-10-65, mentioning about the nomination of the DDO to the Committee. He also requested him to send due intimation to the DDO of the meetings of the Committee in future. The Executive Engineer's Office replied that a meeting of the Committee was scheduled on 5-1-66 but was postponed. It was further stated that the DDO would be intimated when the next meeting of the Committee was fixed in future. The meeting was held on 12-1-66 but the DDO did not get any intimation to that effect. One of the staff members of the Panchayat came to know about the meeting and informed the DDO. On 17-1-66 the DDO wrote to the Executive Engineer complaining about his not having got the information of the meeting held on 12-1-66. In reply, the Executive Engineer wrote that his Deputy Engineer, whose office was located in a contiguous town, had written to the DDO on 4-1-66 intimating about the said meeting. No such intimation had been received by the DDO.
5. A meeting of the Committee was fixed for February 8, and the DDO was not informed of this either.

The meeting was held to consider the question of getting the office premises vacated from the Agriculture Department which had already been transferred to the Panchayat. The Chairman of the Committee mentioned that the Agriculture Department could be housed in the Panchayat Office and it should vacate the premises it was presently using. The Chairman's views were supported by the Executive Engineer. His suggestion was carried.

6. The minutes of the meeting were circulated to all the four members of the Committee. The DDO did not accept the position and with a dissenting note sent it back to the Secretary of the Committee on 14-3-66. The DDO had raised the point that the Agriculture Department could not move into the Panchayat House as the latter was still under consideration.

7. On 19-7-66 the Committee held another meeting. At this meeting the issue of allotment of accommodation to Panchayati Raj organisations was raised by the DDO following the minutes of the previous meeting and was fully discussed. It was decided to seek clarification from the Circle-Office of the PWD regarding allotment of accommodation to the Panchayat from the PWD pool of buildings. Soon after the meeting, the Secretary circulated the minutes to the members and also sent a copy of

the minutes to the Circle-Office seeking clarification on the issue contained therein.

NEW COLLECTOR TAKES OVER:

8. In July 1966, Mr. Dave was posted as Collector and the former Collector was transferred. The new Collector was aged 36 years and had worked for about two years as DDO in another District. Commenting on his posting as a Collector, Mr. Dave remarked that it was a welcome change for him. He further added that it was better to be a Collector than a DDO. In this connection he referred to the case of Mr. Amin the new DDO who, he mentioned, had also tried for the Collector's post but did not succeed. He also remarked that he had to face a lot of difficulty even in getting a quarter for himself when he was a DDO.

9. His posting as Collector was however resented by some of the local leaders. Some of them mentioned that they did not look with favour on his posting in their District, as the Chief Minister of the State had taken interest in posting him there against their wishes.

NEW DDO TAKES OVER:

10. A month later in August 1966, the former DDO was transferred and Mr. Amin was posted in his place. He

was a PCS officer and was 37 years old. Before his posting in Rampur District as DDO he had worked there as the District Project Officer a few years back. Subsequently he was transferred to a contiguous District where he worked for about a year as DDO. While working there he came in clash with the President of the Panchayat on some issues which he did not desire to reveal. Besides, he had developed antagonism towards an Executive Engineer, posted there on special duty, on the issue of retaining a quarter allotted to him out of turn by the AccommodationAllotment Committee. This man happened to be no other than Mr. Patel aged 35 years, who also arrived on the scene, on official transfer, towards the end of 1966.

NEW COLLECTOR ACTS:

11. After about a month of his posting in Rampur District, Mr. Dave, the Collector convened a meeting of the AccommodationAllotment Committee on 2-8-66. The old DDO had moved out; the new one, Mr. Amin had not arrived. So the Panchayat body was not represented. The Committee again discussed the issue pertaining to the allotment of quarters to the Panchayat staff from the pool of PWD buildings. The meeting ended without any specific decision on the issue as no clarification had been received from the State PWD to whom a reference had been made earlier.

12. In the meantime the Director of Education wrote to the Collector to provide some additional accommodation to the District Education Department.

The Collector replied that he could give them the accommodation used by the Agriculture Department after it was vacated. Meanwhile it could be inspected, he suggested.

13. The Director of Education visited the District, and inspected the place on 21-9-66. He found the premises suitable. After the Director approved the premises, the Collector wrote to the DDO on 20-1-67 to vacate the premises used by the Agriculture Department of the Panchayat as the same was to be given to the Education Department. In this letter mention was also made of the visit of the Director of Education who had inspected the premises and had found them suitable for his purpose.

NEW DDO ACTS:

14. The DDO Mr. Amin, in his letter of 3-2-67 answered that the decision for having the premises vacated was required to be taken by the Accommodation Allotment Committee and he was not aware that any such decision had been taken by the Committee. He also requested him to send a copy of the resolution of the

committee, if any, in this regard. He further clarified that it was not possible, even in the near future, to shift the office of the Agriculture Department elsewhere as they did not have any vacant accommodation for the same.

15. There was no reply from the Collector for about three months.

16. The DDO wrote a letter to the Executive Engineer on 26-5-67, drawing his attention to the fact that no meeting of the AccommodationAllotment Committee had been convened during the past nine months. He added that there was no use of such a Committee if it did not meet for such a long time. He also requested the Executive Engineer to convene a meeting as early as possible and also to furnish information on the following points which he desired to be discussed in the meeting whenever it was held:

- (i) Allotment of vacant houses, after 2-8-66.
- (ii) Basis on which houses have been allotted, if any, after the meeting of the Accommodation Allotment Committee held on 2-8-66.
- (iii) Names of government servants and their departments, who have been allotted houses, if any, after the meeting of 2-8-66.

(iv) Basis on which the houses situated near the Post Office were allotted without the consent of the Committee.

(v) Powers of the Allotment Committee alongwith a copy of the rules under which such allotment was made and a list of houses available under the pool.

17. He sent a copy of the above letter to all the members of the Committee and also to the Chief Engineer of the Circle and the Secretary of the Public Works Department at State Headquarters. As he did not get any reply, he again wrote to the members of the Committee asking for their support for convening an early meeting of the Committee. He urged the members to see that the meeting was held as early as possible and also to see that the information was supplied to him on the points raised in his letter.

DISPUTE OVER THE MEETING
OF THE COMMITTEE:

18. The Secretary of the Committee fixed the meeting for 6-7-67 at 9.00 a.m. and sent the intimation to that effect to all the members on 13-6-67 along with the agenda. On receiving the agenda, the DDO discovered

that the items suggested by him were not included therein. On the other hand there was an item ^{the} on agenda which adversely affected the interests of the Panchayat staff. This item was: "the staff of the Panchayat may not be considered for allotment of houses as long as the PWD did not clarify the policy, for which a reference had been made to them in July 1966". He also felt that the time of the meeting was inconvenient.

19. He wrote to the Chairman of the Allotment Committee pointing out that the time of the meeting was not suitable to him. Moreover the time fixed was not during the office hours; he requested that in future, the meetings must be kept during office hours. He also drew the Chairman's attention to the letter he had written to the Secretary of the Allotment Committee on 26-5-66, seeking information on the points mentioned therein. He regretted that the information was not furnished even after 9 months and added that no useful discussion in the Committee was possible if its members were not given information required by them in time.

20. The DDO also wrote a letter to the Secretary of the Allotment Committee inviting reference to his earlier letter asking for information on the points mentioned therein.

21. The Chairman sent a reply on 3-7-67 in which it was said that the time for the meeting fixed at 9.00 A.M. was suitable to all the other members of the Committee, and that it had been the practice from the very beginning to hold the meeting at a time suitable to all the members. Moreover, any time after 11.00 A.M. was not suitable to the District and Sessions Judge because it clashed with the time of the court. With regard to the information asked for it was stated that the question of giving information on fresh allotments did not arise as the Committee had not met after 2-8-66. It was further added that the house near the Post Office was not a Government building, therefore, the question of its allotment was out of the purview of the Committee. With regard to the functions of the Committee and the list of number of houses in the pool, it was added that the Executive Engineer would explain the matter.

22. The Secretary also sent reply to the DDO on 4.7.67, along with the agenda of the meeting, and a statement of the number of houses lying vacant. It was also mentioned that after 2.8.66, only one house had been allotted to the Head Clerk of the Collector's Office under the orders of the Chairman. This house, he added, was from the accommodation pool reserved for revenue staff; while the house near Post

Office did not belong to the Government. It was further stated that a reference had already been made to the Chief Executive Engineer for clarifying the powers of the Committee.

THE PRESIDENT OF THE DISTRICT PANCHAYAT COMES IN THE PICTURE:

23. The DDO had kept the President of the District Panchayat informed of the attitude of the Accommodation Allotment Committee regarding the allotment of accommodation to the Panchayat institutions. He requested him to exert his influence and get the matter clarified so that Panchayat institutions got the accommodation due to them.

24. The President therefore, wrote a D.O. letter to the Collector on 4.7.67 which reads as follows:

The agenda of the meeting of the Accommodation Allotment Committee to be held on 6.7.67 sent to the DDO who is a member of the Committee has come to our notice. Item One of the agenda mentions that the Panchayat staff may not be given accommodation from the pool of the Government building. I consider inclusion of such an item in the agenda of the Accommodation Allotment Committee a matter of concern. I am sure you will also not like to have such an attitude towards the Panchayat staff. You are aware that the district has departmental pools of houses for the Police, the Judiciary and Revenue, while there is no such facility for the Panchayat staff. In view of this it looks to me that it is improper to keep

the item on the agenda. The item does not deserve consideration. In my opinion, the Committee does not have any right of making such a decision. If such a decision is taken by the Committee, it will not merely be unjust but also irregular. The inclusion of DDO as a member of this Committee is by itself self-explanatory. I hope that when the meeting of the Committee is held, you will do the needful to see that no untoward decision is taken and will kindly keep me informed of the results".

25. The meeting of the Accommodation Allotment Committee was held on 6.7.67 at 9.00 AM as scheduled. All the members except the DDO attended. The correspondence between the DDO, the Collector and Executive Engineer was presented in the meeting for the information of other members. The suggestion made by the DDO in regard to the change in the timing of the meeting was considered by the members of the Committee. It was felt that if the meeting time was fixed during the office hours as suggested by the DDO it would not be convenient particularly to the District and Session Judge. It was therefore resolved that the timing of the meeting should not be changed.

26. The Committee also discussed the issue relating to the allotment of the quarters to the Panchayat staff from the pool of Government buildings. The attention of the members was drawn to the reference made to the State PWD on the issue

on 2.5.67. The file containing the correspondence between the Chairman of the Committee and the State PWD was presented before members of the Committee. The State PWD had not given any reply. It was therefore, resolved to take some decision on the issue in that meeting of the Committee. The members of the Committee unanimously passed a resolution in the meeting that the allotment of accommodation to the Panchayat staff may not be provided from the pool unless the decision of the State PWD was received to that effect. The Committee also specified that only the staff of the Government departments should be given accommodation on the basis of the priority list.

27. The minutes of the meeting were circulated to all the members. When the DDO received a copy, he sent it to the President of the District Panchayat. The President was upset; the Collector had paid no attention to his letter. He asked the DDO to draft a resolution on the issue for consideration by the Panchayat. The draft which was prepared in consultation with the President read as under:

"It is regrettable that the Chairman, Accommodation Allotment Committee did not give any reply to the letter written by the President of the District Panchayat on 4.7.67 regarding the allotment of accommodation to Panchayat Institutions from the pool of Government buildings. Moreover, the Accommodation Allotment Committee had gone beyond its

powers to deprive the Panchayat staff of their fundamental rights. It has been brought to our notice that the Collector had allotted some of the houses out of turn to his staff. It is also learnt that the Collector has taken such decisions in his personal capacity, without referring them to the Committee. It may be pointed out that most of the staff of the Panchayat have come on deputation and they should have the rights and privileges granted to other Government servants posted in the District.

28. In view of the above it is resolved that the decisions taken by the Accommodation Allotment Committee in its meeting held on 6-7-67 should be cancelled. It is further resolved that with regard to allotment of houses the same position must be brought which existed before 6-7-67 and any allotment made thereafter may be considered invalid. And allotment may be made as per priority list including the staff of the District Panchayat".

29. The District Panchayat in its General Body meeting held on 28-7-67 discussed the draft resolution. The members were very agitated. Strong views were expressed against what the members characterised

as high-handedness by the Collector. Amongst the suggestions for action were:

- (i) Panchayat Officers of the District and Taluka should abstain from attending meetings of all Committees on which they were appointed by the State Government.
- (ii) They should tender their resignations from such Committees.
- (iii) The District Panchayat should file a writ petition in the High Court and obtain stay orders on the resolution of the Accommodation Allotment Committee held on 6-7-67.

30. After a prolonged discussion, the District Panchayat passed two resolutions. These resolutions demanded that "the decision of the Accommodation Allotment Committee taken on 6.7.67 should be repealed forth-with and all the Panchayat staff be given accommodation on the basis of priority list and all the houses that have been given by the Chairman without the knowledge of the Committee, should be got vacated by their occupants and the same be reallocated as per priority list". The meeting also decided that the

President of the District Panchayat should lead a delegation, along with a few members of the Panchayat to represent the case to the Chief Minister.

31. The President wrote a letter to the Chief Minister on 29-7-67 asking for an appointment. The Personal Secretary of the Chief Minister conveyed the date and time of the appointment to the President. The President and a few other members of the District Panchayat met the Chief Minister. They submitted a written petition to him and also explained their grievances against the Accommodation Allotment Committee. The President also sent the copies of the petition to the Secretary, State Panchayat Parishad* and also to the Ministry of Health and Panchayati Raj.

32. According to the President the Chief Minister was sympathetic and assured the delegation that he would discuss the matter with the Minister concerned.

* State Panchayat Parishad is an advisory body consisting of all the Presidents of the District Panchayats. The Chairman of the Parishad is the Minister of Health and Panchayati Raj, while the Deputy Minister is the Vice-Chairman. Besides this, there are four members elected from the legislature and a few others nominated by the Government (these include Secretaries of the Ministry of Finance and Ministry of Health and Panchayati Raj and Development Commissioner etc.)

33. After the deputation met the Chief Minister on 14-8-67, the 'State Panchayat Parishad' discussed the issue in its meeting held on 4-9-67. The officials of the PWD were also invited to attend this meeting. The Parishad decided that the officers, who were Government servants before 1.4.63 and were transferred to the Panchayats, must be considered for allotment of houses by the Accommodation Allotment Committee in all the Districts.

34. Following the recommendation of the State Panchayat Parishad, the Deputy Secretary of PWD wrote to the Collector of Rampur District on 4.9.67 stating that the case regarding allotment of accommodation to the Staff of the Panchayat has been duly considered and it had been found that "the decision of the Accommodation Allotment Committee taken on 6.7.67 and the new procedures adopted by it for the allotment of accommodation, be considered null and void and the houses lying vacant then and thereafter be allotted according to the rules laid down below:

(i) "The Government servants given on deputation or by transfer to the Panchayat should be considered on par with the Servants of Government

Departments for allocation of housing accomodation. Such Panchayat Officers are therefore, entitled for allotment of PWD houses. The allotment should thus be made on the basis of priority list".

(ii) "According to the decision taken by the Committee on 6.7.67, six houses out of seven have been allotted to the Government Servants only. This is rejected hereby and as indicated in point (i) they will have to be re-allotted according to priority list. In view of this if any body has to vacate a house, action will have to be taken accordingly".

35. Mr. Dave made cryptic remarks on the whole episode and said that the Government should have envisaged difficulties of this kind and evolved uniform policies applicable to all districts. In those districts where the Panchayats were able to have their own staff quarters, the problem of allocating houses from the PWD pool did not arise. Besides, he commented on the discussion at the general body of the Panchayat and said that it was really unbecoming on the part of the Panchayat members to take such a hostile posture. Mr. Dave regretted that some members wanted to take the case to a court of law and were unmindful of the substantial expenditure that would have been incurred for the purpose. According to him the rigid attitude of Mr. Amin was

responsible for the tensions. He also deserved that the hostility of Mr. Amin mayhave had its roots in his failure to get the position of the Collector in this District, for which he had tried hard.

Mr. Dave added that he was fully aware of the mischief that a DDO could create for the Collector. He had himself had considerable experience of work as DDO.